

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-cr-0209-SEB-TAB
)	
DAVION ADAMS,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 20, May 28, and October 22, 2021, the Court held hearings on a Petition for Warrant or Summons for Offender Under Supervision filed on May 10, 2021, and a Supplemental Petition for Warrant or Summons for Offender Under Supervision filed on May 17, 2021. Defendant Adams appeared in person with his retained counsel John Tompkins. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officers Felecia Bain, and Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Adams of his rights and ensured he had a copy of the petition. Defendant Adams orally waived his right to reading of the Petition and the Supplemental Petition. A preliminary hearing was conducted on May 28, 2021. [Dkt. 68.]
2. After being placed under oath, Defendant Adams admitted violation number 2 as set forth in the Petition. [Dkt. 56.] Government orally moved to withdraw the remaining

violations set forth in the Petition and the Supplemental Petition, which motion was granted by the Court.

3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2	<p>“You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.”</p> <p>The probation officer was provided Facebook records by the Indianapolis Metropolitan Police Department that include images depicting Mr. Adams holding a firearm during the time frame he has been on supervised release.</p>

4. The Court finds that:

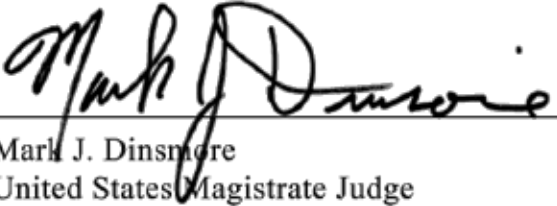
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

5. The parties jointly recommended a sentence of nine (9) months incarceration with no supervised release to follow.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in violation no. 2 of the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of nine (9) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 25 OCT 2021



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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